UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,666	04/02/2004	Fridolin Faist	40124/03001	9692

7590 11/28/2008

Fay Kaplun & Marcin, LLP
Suite 702
150 Broadway
New York, NY 10038

EXAMINER	
LO, SUZANNE	
ART UNIT	**PAPER NUMBER**
2128	
MAIL DATE	**DELIVERY MODE**
11/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,666	FAIST ET AL.	
	Examiner	Art Unit	
	SUZANNE LO	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-19,23 and 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-10,23 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5 and 7-19, and 23-24 have been presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-2, 4-5, 8-10, 12-16, 18-19, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Spriggs et al. (U.S. Patent Application Publication 2003/0028269 A1) in view of Smith et al. (U.S. Patent Application Publication 2002/0149628 A1).**

As per claim 1, Spriggs is directed to a method comprising: arranging elements of a user interface in a tree structure reflecting a topography of the elements in a process control system **(Figure 7, GUI element 152 and accompanying text);** assigning to at least one *first* input window to *a first* element, the input window having a plurality of *first* attributes corresponding to a *first* target apparatus controllable in the process control system **(Figure 7, GUI elements 166, 169, 171, 173, 175 and accompanying text);** *assigning at least one second input window to a second element, the second input window having a plurality of second attributes corresponding to a second target apparatus controllable in the process control system* **(Figure 9 and accompanying text)**; storing a current arrangement of the tree structure as a project **([0126]-[0127]);** and displaying values measured by the target apparatus in the input window **(Figure 7, GUI elements 166, 169, 171, 173, 175 and accompanying text),** *wherein the plurality of first attributes of the at least one first input window comprises monitoring data of the first target apparatus* **(Figure 7, GUI elements 166, 169, 171, 173, 175 and accompanying text, [0133])**; *and wherein the plurality of second attributes of the at least one second input window comprises parameterization data for setting of the second target apparatus* **(Figure 9 and accompanying text, [0157])**.

Smith teaches storing a list of all windows and the corresponding attributes opened during a current operation as an operating session and restoring a state of the elements based on the project and the operating session when loading a system **([0190] and Table 6)**. It would have been obvious at the time of the invention to an ordinary person skilled in the art to combine a process control system method of Spriggs with the list of windows and attributes stored as an operating session in order to provide a variety of arrangements of a user interface to an operator **(Smith, [0190])**.

As per claim 2, the combination of Spriggs and Smith already discloses the method according to claim 1, further comprising storing a position of the input windows during the current operation **(Smith, [0190])**.

As per claim 4, the combination of Spriggs and Smith already discloses the method according to claim 1, further comprising storing a state of the associated user interface of the respective input windows **(Smith, [0190])**.

As per claim 5, the combination of Spriggs and Smith already discloses the method according to claim 1, wherein only distinct communication links to distinct nodes of the project are selected to be restored **(Spriggs, [0136])**.

As per claim 8, the combination of Spriggs and Smith already discloses the method according to claim 1, further comprising querying a state of the input windows opened during operation of the process control system **(Spriggs, [0142]-[0143])**.

As per claim 9, the combination of Spriggs and Smith already discloses the method according to claim 1, wherein the project and the states of the elements of the project are stored in project files **(Smith, [0190])**.

As per claim 10, the combination of Spriggs and Smith already discloses the method according to claim 1, wherein session information is stored in the project or references to the project including session information are stored **(Spriggs, [0142])**.

As per claim 12, the combination of Spriggs and Smith already discloses the method according to claim 1, further comprising managing a list of sessions and names of active sessions for each project and storing the names of active sessions the latter in a non-volatile project directory **(Spriggs, [0145] and Smith, [0190])**.

As per claim 13, the combination of Spriggs and Smith already discloses the method according to claim 12, further comprising displaying a dialog during loading of the project, in which the names of all available sessions for the project are offered for selection **(Smith, [0190])**.

Claim 14 is directed to a method composed of steps with the same limitations as the elements of claim 1 and therefore is rejected over the same prior art combination.

As per claim 15, Spriggs is directed to a system comprising a host PC and at least one target apparatus connected to the host PC via a bus system **([0063])** the host PC comprising a display displaying a process control system which comprises elements of a user interface in a form of a tree structure **(Figure 7, GUI element 152 and accompanying text)**, comprising nodes, each node providing at least one input window having a plurality of attributes corresponding to the target apparatus, the host PC further comprising **(Figure 7, GUI elements 166, 169, 171, 173, 175 and accompanying text)**,a memory storing an arrangement of the tree structure as a project **([0126]-[0127])** and each input window displaying values measured by the target apparatus **(Figure 7, GUI elements 166, 169, 171, 173, 175 and accompanying text)**.

Spriggs fail to explicitly disclose teaches storing a list of all windows and the corresponding attributes opened during a current operation as an operating session and restoring a state of the elements based on the project and the operating session when loading a system. Smith teaches storing a list of all windows and the corresponding attributes opened during a current operation as an operating session and restoring a state of the elements based on the project and the operating session when loading a system **([0190] and Table 6)**. It would have been obvious at the time of the invention to an ordinary person skilled in the art to combine a process control system method of Spriggs with the list of windows and attributes stored as an operating session in order to provide a variety of arrangements of a user interface to an operator **(Smith, [0190])**.

As per claim 16, the combination of Spriggs and Smith already discloses the system according to claim 15, wherein the memory stores a position of the input windows **(Smith, [0190])**.

As per claim 18, the combination of Spriggs and Smith already discloses the system according to claim 15, wherein the memory stores a state of the user interface associated to respective input windows **(Smith, [0190])**.

As per claim 19, the combination of Spriggs and Smith already discloses the system according to claim 15, wherein the memory stores several operating sessions for each project **(Spriggs, [0142])**.

As per claim 23, the combination of Spriggs and Smith already discloses the system according to claim 15, wherein *at least one of* the input windows further display *at least one* diagnosis message **(Spriggs, Figure 7, 168 and accompanying text)**.

As per claim 24, the combination of Spriggs and Smith already discloses the system according to claim 15, comprising a session manager *managing a list of sessions for each project* **(Spriggs, [0145] and Smith, [0190])**.

3. Claims 3, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spriggs et al. (U.S. Patent Application Publication 2003/0028269 A1) in view of Smith et al. (U.S. Patent Application Publication 2002/0149628 A1) in further view of **Eldridge et al. (U.S. Patent No. 7,272,815 B1).**

As per claim 3, the combination of Spriggs and Smith already discloses the method according to claim 1, but fails to explicitly disclose further comprising storing a communication status, indicating an online or offline status of the elements. Eldridge teaches storing a communication status, indicating an online or offline status of the elements **(column 63, lines 6-54)**. It would have been obvious at the time of the invention to an ordinary person skilled in the art to combine the process control method of Spriggs and Smith with the storing a communication status of Eldridge in order to ensure modifications to the control system are valid **(Eldridge, column 63, lines 25-30)**.

As per claim 11, the combination of Spriggs and Smith already discloses the method according to claim 1, but fails to explicitly disclose further comprising verifying upon opening the project whether session information is present, and if present, a last present view of the project with all opened dialogs is restored and all connections of a last session are restored. Eldridge verifying upon opening the project

whether session information is present, and if present, a last present view of the project with all opened dialogs is restored and all connections of a last session are restored **(column 66, lines 11-30)**. It would have been obvious at the time of the invention to an ordinary person skilled in the art to combine the process control method of Spriggs and Smith with the restoring a communication status of Eldridge in order to ensure modifications to the control system are valid **(Eldridge, column 63, lines 25-30)**.

As per claim 17, the combination of Spriggs and Smith already discloses the system according to claim 15, but fails to explicitly disclose wherein the memory stores a communication status indicating one of an online and an offline status of the input window. Eldridge teaches wherein the memory stores a communication status indicating one of an online and an offline status of the input window **(column 63, lines 6-54)**. It would have been obvious at the time of the invention to an ordinary person skilled in the art to combine the process control method of Spriggs and Smith with the storing a communication status of Eldridge in order to ensure modifications to the control system are valid **(Eldridge, column 63, lines 25-30)**.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spriggs et al. (U.S. Patent Application Publication 2003/0028269 A1) in view of Smith et al. (U.S. Patent Application Publication 2002/0149628 A1) in further view of **Kim et al. ("A Two-Stage Modeling and Simulation Process for Web-Based Modeling and Simulation").**

As per claim 7, the combination of Spriggs and Smith already discloses the method according to claim 1, but fails to explicitly disclose whereby a current state of the input windows opened during operation of the process control system is transmitted to a handling software in an XML string. Kim teaches representing dynamic model information using XML **(page 232 and Figure 1 and accompanying text)**. It would have been obvious at the time of the invention to an ordinary person

skilled in the art to combine the process control method of Spriggs and Smith with the XML handling software in order to represent both geometry and dynamic model information effectively.

Response to Arguments

5. Applicant's arguments filed 08/27/08 have been fully considered but they are not persuasive.

6. The objection to the drawings is withdrawn

7. The 112, 2nd paragraph rejection of claims 20-21 is withdrawn due to the canceled claims. Claims 23-24 are not rejected under 112, 2nd and were only listed as such due to a typographical error.

8. In response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. display of parameterization data for setting a senor, retrieving parameterization data when reloading process control) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, Applicant is advised that Spriggs anticipates display of parameterization data for setting an apparatus, as required by the claim language in paragraph [0157]. The combination of Spriggs and Smith also teach restoring a state of the elements based on the project and the operating session when loading the process control system (Spriggs, Figure 7, Smith, [0190] and Table 6).

In response to Applicant's argument that Spriggs does not teach saving parameterization data, the Applicant is directed to paragraph [0157] and Figure 9.

The remainder of Applicant's arguments on pages 8-10 of Remarks submitted consist of either the above arguments which have been addressed or they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references, thus Applicant's arguments fail to comply with 37 CFR 1.111(b).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record is not relied upon because it is cumulative to the applied rejection. These references include:

1. U.S. Patent Application Publication 2004/0254949 A1 published by Amirthalingam on 12/16/04.

2. U.S. Patent No. 6,993,723 B1 issued to Danielsen et al. on 01/31/06.

3. U.S. Patent Application Publication 2002/0199123 A1 published by McIntyre et al. on 12/26/02.

4. U.S. Patent Application Publication 2004/0117766 A1 published by Mehta et al. on 06/17/04.

5. U.S. Patent No. 6,795,798 B2 issued to Eryurek et al. on 09/21/04.

6. U.S. Patent No. 6,032,208 issued to Nixon et al. on 02/29/00.

10. All Claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Lo whose telephone number is (571)272-5876. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571)272-2297. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kamini S Shah/
Supervisory Patent Examiner, Art Unit 2128

/SL/
11/17/08